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10/15/2007 09:09:44 AM

Fee: \$31.00

Returned @ Counter

After Recording Return to:

City Recorder
500 Klamath Avenue
Klamath Falls, OR 97601

Grantor of Dedicated Easement

City of Klamath Falls
500 Klamath Avenue
Klamath Falls, OR 97601

**RELEASE AND RELINQUISHMENT OF UTILITY EASEMENT
DEDICATED ON BLOCK 3, LOTS 6 THROUGH 17 OF
"TRACT 1096 - AMERICANA" SUBDIVISION
AS RECORDED IN THE RECORDS
OF THE KLAMATH COUNTY CLERK ON JULY 25, 1975**

RECITALS

- A. On July 25, 1975 the Klamath County Clerk accepted for recording the plat map and dedication page for "Tract 1096 - Americana Subdivision" (the "Subdivision").
- B. The subdivision plat map states that the owner of the subdivision, Perry Bros. Inc., an Oregon corporation, certifies that "Easements as shown on the annexed map are dedicated to the City of Klamath Falls for regulation and placement of utilities, said easements to provide ingress and egress with any planting or structures placed thereon by the lot owner to be at his/her own risk." The Subdivision plat dedicates a sixteen foot (16') wide utility easement along the southerly boundaries of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Block 3 of the Subdivision ("Utility Easement").
- C. The City of Klamath Falls has received a request by certain property owners for the City to release the portion of the Utility Easement as to Lots 6-17, and the City has agreed it is appropriate to do so because no utilities are within said easement and City has determined that the easement is no longer needed and should be released. The portion of the Utility Easement situated on Lot 5 should not be released because it is being used to supply electrical power.

**RELEASE AND RELINQUISHMENT OF DEDICATED UTILITY EASEMENT,
ON LOTS 6-17, BLOCK 3, OF "TRACT 1096 - AMERICANA SUBDIVISION"**

In consideration of the foregoing recitals, the City of Klamath Falls, Oregon, does hereby release and relinquish that certain 16-foot wide utility easement dedicated to the City on Block 3, Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of the plat map for "Tract 1096 - Americana" as recorded

in the records of the Klamath County Clerk on July 25, 1975. The easement being rescinded and relinquished is depicted on Exhibit "A."

Release and relinquishment of the above-described easement was duly approved by the Council of the City of Klamath Falls, Oregon the 1st day of October, 2007.

IN WITNESS WHEREOF, we have each executed this document on the dates set forth below.

CITY OF KLAMATH FALLS

By: Jeff Ball
Jeff Ball, City Manager

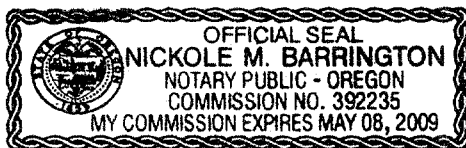
Dated: 10/2/07

Attest: Elisa D. Olson
City Recorder

STATE OF OREGON)
) ss.
County of Klamath)

On the 2nd day of October, 2007, personally appeared Jeff Ball and Elisa D. Olson, who, each being first duly sworn, did say that the former is the City Manager and the latter is the City Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that the instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be its voluntary act and deed.

WITNESS my hand and official seal.



Nickole M. Barrington
SIGNATURE OF NOTARY PUBLIC
Notary Public for Oregon
My Commission Expires: 5-8-2009

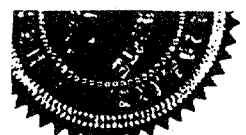
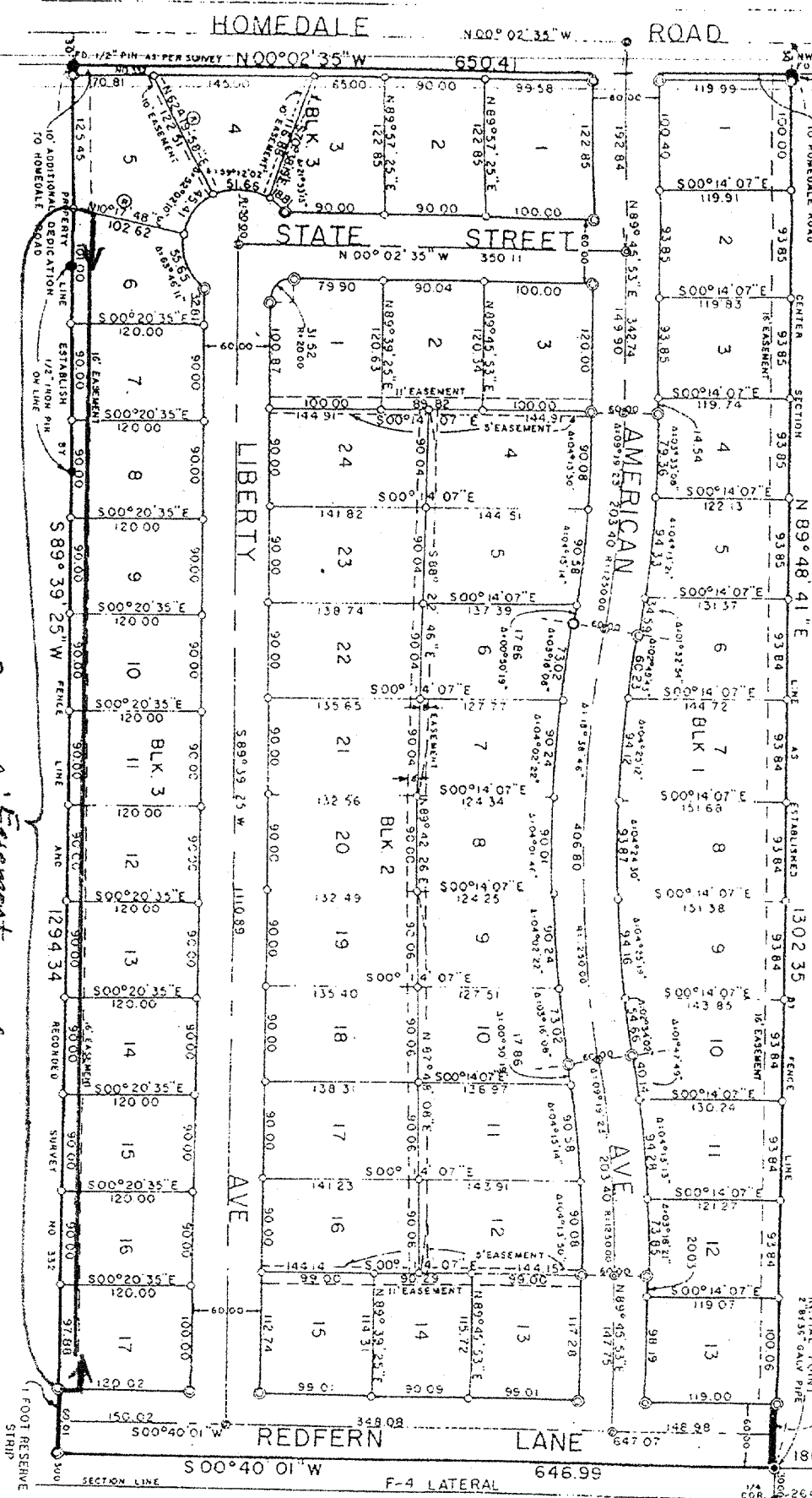
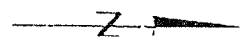
TRACT 1096—AMERICANA

THE N1/2 NE1/4 SE1/4 OF SECTION 14, T39S, R9EWM,

KLAMATH COUNTY, OREGON

SCALE 1"=100'

- MONUMENTS FOUND AS SHOWN
- SET 5/8" X 30" IRON PIN
- SET 1/2" X 24" IRON PIN
- RADIAL LINES



All storm drainage structures, sanitary facilities, streets and roads are to be constructed to Klamath Falls City approved standards. Responsibility for maintenance of all constructed improvements dedicated by the owners to the public shall be vested in the owners, their successors and/or assigns until such constructed improvements have been accepted by the City of Klamath Falls, and maintenance thereof has been acknowledged by resolution of the City Council. Unimproved streets, roads and ways shall be maintained by the owners, their successors, and/or assigns until the same have been improved to the then current standards of the City of Klamath Falls.

Released & Returned

I hereby certify that pursuant to O.R.S. 92.095, all ad-valorem taxes and all special assessments, fees and other charges required by law to be placed on the 1975-1976 tax roll which become a lien on this subdivision or will become a lien during this calendar year, but not yet certified to the tax collector for collection, have been paid to me this 1st day of July, 1975.

COUNTY ASSESSOR _____ by _____ DEPUTY

Exhibit "A"